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PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re National Stage of International Application No. PCT/US99/25984 under 35 U.S.C. 371
Application No.: 09/582,825

Group Art Unit: 1615

Filed: July 3, 2000

Examiner: Howard, S.

For: NAIL COATING COMPOSITIONS CONTAINING MICROSPHERES



1. Request for Continued Examination (RCE) Transmittal (1 page)
2. Petition for Extension of Time (2 months) (1 page)
3. Information Disclosure Statement Under 37 C.F.R. § 1.97(b) (2 pages); Form PTO 1449 (1 page); and six (6) documents;
4. Check in the amount of \$1140.00 for RCE and eot fees

Dated August 7, 2002

Docket No.: 05725.0346-01000

A.C. Tridico/J.K. MacAlpine/C. Woods - Mail Drop 318

(Due Date: 08/08/02)

Date 08.08.02 pm



22852

PATENT TRADEMARK OFFICE
**REQUEST FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 09/382,825

Filed: July 3, 2000

First Named Inventor: Danuvio CARRION

Group Art Unit: 1615

Examiner: S. Howard

Attorney Docket Number: 05725.0346-01000

Attorney Customer Number: 22,852

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This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000). Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

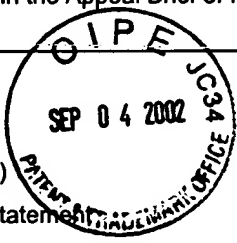
1. Submission required under 37 C.F.R. § 1.114:

a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on _____.
- ii. ☐ Consider the arguments in the Appeal Brief of Reply Brief previously filed on _____.
- iii. ☐ Other _____

b. ☒ Enclosed:

- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement
- iv. ☐ Other _____



2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other _____

3. Fees

a. ☒ The filing fees are calculated as follows:

- i. ☒ \$740.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of Time Fee of \$400 (2 months)
- iii. ☐ Other _____

b. ☒ Check in the amount of \$ 1140.00 enclosed.

c. ☒ The Director is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

Signature of Applicant, Attorney, or Agent Required

Name: Anthony C. Tridico

Reg. No.: 45,958

Signature: *Thalia V. Warrnment, Reg. No. 39,064 for Anthony C. Tridico*

Date: August 7, 2002

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, BOX RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,825	08/17/2000	Danuvio Carrion	05725.0346-1	2723

7590 08/19/2002

Finnegan Henderson Farabow
Garrett & Dunner
1300 I Street NW
Washington, DC 20005

EXAMINER

HOWARD, SHARON LEE

ART UNIT

PAPER NUMBER

1615

DATE MAILED: 08/19/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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AUG 23 2002

FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER, L.L.P.

N/APPEAL DUE 9/8/02 -END

DCID-BET 8/26/02

10/5/02



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

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DATE MAILED: 8-19-02



NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 8-7-02 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Corelia Butanout, Examining Group 1615